



Report Date: February 08, 2017

File: 108432

Report Number: 047817

Kenneth Regehr
4516 Hullcar Road
Armstrong BC
V0E1B4

Dear Kenneth Regehr

Re: An Investigation Referral, Pollution Prevention Order 108432, 4516 Hullcar Road, Armstrong, Effluent

Please be advised that this inspection report will be published on the provincial government website in 7 days.

On October 04, 2016, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, Kenneth Regehr located at 4516 Hullcar Road, Armstrong with authorization number 108432 under the *Environmental Management Act*.

For your information, this inspection record is being referred to the Conservation Officer Service for investigation.

Inspection Details:

Requirement Description:	<p>1: Within 45 days of the issuance of this order, submit to the Director for approval, terms of reference and a work plan, prepared by a Qualified Professional, for completing a comprehensive monitoring program and an Environmental Impact Assessment ("EIA") for nitrates and other nitrogen compounds in the soil and groundwater on the Lands identified in this order.</p> <p>The EIA must, at a minimum, assess the impact the following operations have on nitrates and other nitrogen compounds entering surface or groundwater:</p> <ul style="list-style-type: none"> a) all fields located on the Lands where agricultural wastes including manure are generated or permanently or temporarily stored; b) all storage facilities located on the Lands; c) all seasonal and confined feeding areas on the Lands; and d) all drainage management structures on the Lands. <p>The Environmental Impact Assessment must be completed no later than August 1, 2016 and the monitoring program must be designed to inform the Environmental Impact Assessment.</p>
Details/Findings:	<p>On July 26, 2016, Joe Klassen, representative of Regehr, submitted a Terms of Reference (TOR) and a work plan for a comprehensive monitoring program and Environmental Impact Assessment (EIA) for the feedlot operation. The TOR and work plan were prepared by Associated Environmental. On July 29, 2016, an amendment letter was issued adding the following to be included in the EIA: "e) all fields where agricultural waste has been applied as nutrients." Additionally, the date for submission of the EIA was amended to September 30, 2016.</p> <p>A review of the submitted TOR shows that the spatial extent of the proposed EIA did not cover all of those lands where agricultural wastes including manure are generated or permanently or temporarily stored. In fact, the TOR states the EIA will only cover the two easternmost fields of the fields operated by Regehr, of which there are five. As a result, the TOR was not accepted by the Director.</p> <p>On September 23, 2016 a second version of the TOR was submitted by Associated Environmental and accepted by the Director contingent on some offered edits. The second submission (with proposed edits) met the expectations of requirement #1 of the Order. However, the initial submission was not provided on time and therefore the Order recipient was found out of compliance.</p>

Ministry of Environment

Compliance
Environmental
Protection Division

Mailing Address:
102 Industrial PI
Penticton BC V2A 7C8

Telephone: 250 490 8200
Facsimile: 250 490 2231
Website: www.gov.bc.ca/env

Compliance:	Out
Actions to be taken:	None
Requirement Description:	2: Immediately upon approval of the terms of reference and work plan by the Director, cause a Qualified Professional to implement the comprehensive monitoring program and complete the comprehensive EIA according to the work plan and terms approved by the Director, but subject to any further directions or amendments to the work plan or terms of reference made by the Director.
Details/Findings:	<p>On December 6, 2016 Joe Klassen advised the Director that he had directed the qualified professional to cease working on the monitoring program and EIA. As a result, the qualified professional could no longer complete the EIS Report per the terms of the November 28th letter.</p> <p>A stay was not requested of the EAB. The QP was directed to stop work which is contrary to "cause a QP to implement and complete the monitoring program and EIA."</p> <p>On December 23, 2016, the EIA was submitted. However, the submission was not provided on time and therefore the Order recipient was found out of compliance.</p>
Compliance:	Out
Actions to be taken:	None
Requirement Description:	3: Submit the Environmental Impact Assessment together with the results of the comprehensive monitoring program to the Director by August 1, 2016.
Details/Findings:	<p>In a letter dated July 29, 2016, the date for the submission of the EIA with the results of the comprehensive monitoring program was amended to October 14, 2016. In a letter dated November 28, 2016, the date for the submission of the EIA and comprehensive monitoring plan was amended to December 12, 2016.</p> <p>On December 23, 2016 via email, Associated Environmental submitted a document to cover the requirements of the EIA (referred to as an EIS). As the required submission date for this document was December 12, 2016, after numerous amendments to the submission date (August 1, October 14, December 12), the regulated party has been found out of compliance.</p>
Compliance:	Out
Actions to be taken:	None

Requirement Description:	<p>4: Must retain a suitably Qualified Professional to prepare an Action Plan detailing measures to be taken to prevent the environmental impacts identified in the EIA and submit the Action Plan to the Director by August 15, 2016. The Action Plan must include, but is not limited to:</p> <ul style="list-style-type: none"> i) description of proposed manure storage measures that ensure sufficient storage, ensure proper construction of permanent and temporary storage facilities with appropriate setbacks, and ensure minimal impact to the environment; ii) description of proposed drainage management measures to effectively control runoff to ensure that solids, leachate, contaminated runoff and drift from sprayed materials do not enter watercourses, penetrate to groundwater or leave the property; iii) determination of Agronomically correct rates of application of agricultural waste during agricultural operations on the Lands, and a plan for ensuring application of agricultural wastes does not exceed Agronomically correct rates; iv) description of proposed remedial measures to ensure manure applications do not extend beyond property boundary, in a watercourse, and near industrial and drinking water wells; v) description of a proposed ongoing soil, surface and groundwater monitoring program for nitrate and E.coli for the purposes of monitoring the effects of Action Plan; vi) a map identifying all fields (owned, leased, licensed or otherwise part of the Lands) utilized for farm operations, identifying the locations of manure storage facilities, feeding areas, drinking water well(s), industrial well(s), surface water intakes, and any other notable work(s) and identify all setbacks (i.e. minimum distances) between such facilities or areas, and wells or relevant water works; and vii) a timeline for implementation of the Action Plan. <p>If the Action Plan proposes that manure will be transferred to Purple Springs Nursery Inc. as an alternative or in addition to other manure storage measures to be undertaken by the Addressees, the Action Plan must be accompanied by a written agreement with Purple Springs Nursery Inc. that specifies the amounts and timing of manure that Purple Springs Nursery Inc. agrees to accept.</p>
Details/Findings:	<p>In a letter dated July 29, 2016, the date for the submission of the Action Plan was amended to October 31, 2016.</p> <p>In a letter dated November 28, 2016, the date for the submission of the Action Plan was amended to January 6, 2017.</p> <p>As of January 24, 2017, no Action Plan had been received. On February 2, 2017, the Action Plan was received, however, the submission was not provided on time and therefore the Order recipient was found out of compliance.</p>
Compliance:	Out
Actions to be taken:	None
Requirement Description:	<p>5: Upon approval by the Director, implement the Action Plan referred to in section 4 in accordance with any amendments to the Action Plan required or approved by the Director, or any further directions of the Director.</p>
Details/Findings:	<p>As the Action Plan, which was submitted 27 days late, has not yet been approved by the Director, this requirement is not applicable.</p>
Compliance:	Not Applicable
Actions to be taken:	None
Requirement Description:	<p>6: Submit to the Director a formal written summary by November 30, 2016 and annually for the next two years including:</p> <ul style="list-style-type: none"> i) summarizing in reasonable detail what actions from the Action plan were undertaken; ii) identification of all agriculture operational changes that occurred; iii) summarizing in reasonable detail monitoring results; iv) summarizing environmental impact assessment (first year only); and v) recommending additional mitigation and restoration measures, if appropriate.

Details/Findings:	In a letter dated July 29, 2016, the date for the submission of the first formal written summary was amended to June 30, 2017. As the date for this requirement has not yet passed, this requirement is currently not applicable.
Compliance:	Not Applicable
Actions to be taken:	Submit the first formal annual written summary by June 30, 2017.
Requirement Description:	7: Must publicly post the Action Plan required by this order by August 15, 2016 and publicly post the annual summary required by this order by November 30, 2016, including physically posting the Action Plan and Annual Summary at the Hullcar Community Hall. Any updates to the Action Plan and future Annual Summaries must be posted at Hullcar Community Hall annually for the next two years, by November 30 of each year.
Details/Findings:	In a letter dated July 29, 2016, the date for the public posting of the Action Plan was amended to October 31, 2016 and the submission of the first formal written summary was amended to June 30, 2017. In a letter dated November 28, 2016, the date for the public posting of the Action Plan was amended to January 6, 2017. no Action Plan has been received by Ministry staff and no indication that an Action Plan has been publicly posted has been proffered. The Action Plan was eventually submitted on February 2, 2017 (27 days late). No indication of its being posted has been provided.
Compliance:	Out
Actions to be taken:	Publicly post the Action Plan and provide verification to the Director.

Overview

On June 8, 2016, Pollution Prevention Order #108432 (Order) was issued to Kenneth Regehr, operator of a cattle feedlot located near 4516 Hullcar Road in Armstrong (Lands), as a result of the introduction into the environment of agricultural waste, including manure and/or manure laden effluent. The presence of nitrate is causing the groundwater in the unconfined aquifer that lies in part underneath the Lands (commonly referred to as the Hullcar Aquifer 103) to be unfit for potable purposes for some residents in the Hullcar Valley.

On July 29, 2016, an amendment letter to the Order was issued. The amendment included an additional point to be covered under requirement 1, changed the due date for requirement 1 from August 1 to September 30, 2016, changed the due date for requirement 3 from August 1 to October 14, 2016, changed the due date for requirement 4 from August 15 to October 31, 2016, changed the date for requirement 6 from November 30, 2016 to June 30, 2017 and changes to the due dates for requirement 7 from August 15, 2016, November 30, 2016 and November 30 of each year to October 31, 2016, June 30, 2017 and June 30 of each year respectively.

On November 28, 2016 a letter between Christa Zacharias-Homer and Kenneth Regehr confirmed further amended dates for the following items;

Requirement 3: Submit the Environmental Impact Assessment (EIA) together with the results of the comprehensive monitoring program to the Director – the EIA and the comprehensive monitoring program are received by the Director’s office by December 12, 2016.

Requirement 4: “Retain a Qualified Professional to prepare an Action Plan detailing measures to be taken to abate the environmental impacts identified in the EIA and submit the Action Plan to the Director” – the Action Plan is received by the Director’s office by January 6, 2017.

Requirement 7: “Must publically post the Action Plan required by this order” – the Action Plan must be posted publically by January 6, 2017.”

A desktop inspection of the order requirements was conducted for the period between October 4 2016 to February 6, 2017. Kenneth Regehr was found to be out of compliance with requirements 1,2,3,4 and 7 of Pollution Prevention Order #108432.

If you have any questions regarding this notice, please contact the undersigned.

Yours truly,

Devan Oldfield
Environmental Protection Officer

cc:

Attachments:

Deliver via:
Email: Fax: Mail:
Registered Mail: Hand Delivery:

Ministry of EnvironmentCompliance
Environmental
Protection DivisionMailing Address:
102 Industrial Pl
Penticton BC V2A 7C8Telephone: 250 490 8200
Facsimile: 250 490 2231
Website: www.gov.bc.ca/env**DISCLAIMER:**

Please note that sections of the permit, regulation or code of practice referenced in this inspection record are for guidance and are not the official version. Please refer to the original permit, regulation or code of practice.

To see the most up to date version of the regulations and codes of practices please visit

<http://www.bclaws.ca>

If you require a copy of the original permit, please contact the inspector noted on this inspection record or visit:

<http://www2.gov.bc.ca/gov/topic.page?id=DF89089126D042FD96DF5D8C1D8B1E41&title=Publically%20Viewable%20Authorizations>

It is also important to note that this inspection record does not necessarily reflect each requirement or condition of the authorization therefore compliance is noted only for the requirements or conditions listed in the inspection record.